

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

FRANK D. LACEY, JR.,

Plaintiff,

v.

Case No. 03-CV-75023-DT

DOORSTEP SHELTER SUBSIDIARY OF MES,
INC. and JON P. RUTHERFORD,

Defendants.

OPINION AND ORDER STRIKING “PLAINTIFF’S MOTION TO SUSPEND FRCP”

Plaintiff Frank D. Lacey, Jr. filed his complaint in this court on December 15, 2003. The case proceeded to trial, and resulted in a December 15, 2005 jury verdict against Plaintiff. After unsuccessfully moving for a new trial, Plaintiff filed his notice of appeal on April 11, 2006. The Sixth Circuit dismissed Plaintiff’s appeal as untimely under Federal Rule of Appellate Procedure 4(a). On June 29, 2006, Lacey filed “Plaintiff’s Motion to Suspend FRCP” on this court’s docket.

In “Plaintiff’s Motion to Suspend FRCP,” Lacey is “requesting the Court of appeals [sic] to suspend the requirement that Plaintiff file appeal within 30 days.” (Pl.’s Mot. at 1.) Plaintiff reiterates his belief that he had good cause for filing his notice of appeal one day late, and “[r]espectfully request [sic] the Appeal Court Suspend [sic] Rule requirement and [sic] in light of the brevity of the issue.” (*Id.* at 2.) This motion appears to be a motion for reconsideration directed at the court of appeals, but filed in this court. “The Court of Appeals reviews the final decisions of this court, not the other way around.” *United States ex rel. Stewart v. Fleet Fin. Group*, No. 98-75, 1999 U.S.

Dist. LEXIS 13624, at *14 (W.D. Mich. Aug. 31, 1999) (citations omitted). The court knows of no rule allowing this court to review the Sixth Circuit's decision to dismiss an appeal. Accordingly,

IT IS ORDERED that "Plaintiff's Motion to Suspend FRCP" [Dkt. # 198] is hereby STRICKEN from the docket of this court.

s/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: October 31, 2006

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, October 31, 2006, by electronic and/or ordinary mail.

s/Lisa G. Wagner
Case Manager and Deputy Clerk
(313) 234-5522